

**United States District Court**  
**WESTERN DISTRICT OF TEXAS**  
**SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**AMENDED**

**ORDER SETTING CONDITIONS OF RELEASE  
OF DEFENDANT OR MATERIAL WITNESS**

**Defendant**

**or**

**In re: JOSIAS FELICIO DE SOUSA**

**MATERIAL WITNESS**

**Case Number: SA-04-98M(1)**

IT IS ORDERED that the release of defendant/material witness is subject to the following conditions:

- (1) The defendant/material witness shall not commit any offense in violation of federal, state, or local law while on release in this case. The defendant/material witness shall report as soon as possible, to Pretrial Services or supervising officer, any contact with any law enforcement personnel including, but not limited to, any arrest, questioning, or traffic stop.
- (2) The defendant/material witness shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.
- (3) The defendant/material witness shall appear at all proceedings as required and the defendant shall surrender for service of any sentence imposed as directed. The defendant/material witness shall appear at (if blank, to be notified)

Place

on

Date and Time

**Release on Personal Recognizance or Unsecured Bond**

IT IS FURTHER ORDERED that the defendant/material witness be released provided that:

- ( ) (4) The defendant/material witness promises to appear at all proceedings as required and the defendant promises to surrender for service of any sentence imposed.
- ( X ) (5) The defendant/material witness executes an unsecured bond binding the defendant/material witness to pay the United States the sum of **FIVE-THOUSAND** dollars (\$ **5,000.00**) in the event of failure to appear as required or to surrender as directed for service of any sentence imposed.

**Additional Conditions of Release**

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant/material witness and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant/material witness is subject to the conditions marked below:

- ( X ) (6) The defendant/material witness is placed in the custody of:  
(Name of person or organization) Eliete E. Diamond  
(Address) 498 Temple Street  
(City and state) Whitman, Massachusetts

Phone: (781) 447-6802

who agree (a) to supervise the defendant/material witness in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant/material witness at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant/material witness violates any conditions of release or disappears.

Signed: [Signature]

Custodian or Proxy

Date

Signed: \_\_\_\_\_

Custodian or Proxy

Date

WHITE COPY - COURT YELLOW - DEFENDANT/MATERIAL WITNESS PINK - U.S. MARSHAL

**Additional Conditions of Release (cont.)**

- (7) The defendant/material witness shall:
- (X) (a) report to Pretrial Services as directed.
- ( ) (b) report to the \_\_\_\_\_, telephone number \_\_\_\_\_ not later than \_\_\_\_\_
- (X) (c) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \$5,000
- ( ) (d) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above described \_\_\_\_\_
- ( ) (e) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_
- (X) (f) maintain or actively seek verifiable employment.
- ( ) (g) maintain or commence an education program.
- ( ) (h) surrender any passport to Pretrial Services as directed, or \_\_\_\_\_
- ( ) (i) obtain no passport.
- (X) (j) abide by the following restrictions on his personal associations, place of abode, or travel: \_\_\_\_\_
- ( ) (k) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including, but not limited to: \_\_\_\_\_
- ( ) (l) undergo medical or psychiatric treatment and/or remain in an institution as follows: \_\_\_\_\_
- ( ) (m) return to custody each (week) day as of \_\_\_\_\_ o'clock after being released each (week) day as of \_\_\_\_\_ o'clock for employment, schooling, or the following limited purpose(s): \_\_\_\_\_
- (X) (n) reside at a Community Corrections facility as designated by Pretrial Services; abide by all conditions and requirements of the facility until terminated by the facility director or Pretrial Services; and remain in custody until space becomes available, and the Appearance Bond is signed; or, if a material witness, reside with a third-party custodian as approved by Pretrial Services, in lieu of residing at a Community Corrections facility.
- ( ) (o) refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ( ) (p) refrain from ( ) any ( ) excessive use of alcohol.
- ( ) (q) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. Sec. 802 unless prescribed by a licensed medical practitioner.
- ( ) (r) submit to substance abuse treatment which will include evaluation and testing, as well as education, in-patient or out-patient treatment, and/or participation in support groups (such as AA/NA).
- ( ) (s) at the discretion of the Pretrial Services, submit to substance abuse treatment which may include evaluation, testing, education, in-patient or out-patient treatment, and/or participation in support groups (such as AA/NA).
- ( ) (t) the defendant shall submit to any method of testing required by the Pretrial Services Office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- ( ) (u) have installed on your vehicle an ignition interlock system as directed by Pretrial Services; drive no other vehicle while on pretrial release; abide by all conditions and requirements of the ignition interlock system program; and not disconnect the ignition interlock system without prior permission from Pretrial Services.
- ( ) (v) participate in one of the following home confinement program components and abide by all the requirements of the program which ( ) will or ( ) will not include electronic monitoring or other location verification system. Location verification systems require that you maintain a telephone at your residence without "call waiting," a modem, "call forwarding," "caller ID" or cordless telephones; wear a tracking device as directed by Pretrial Services and follow all procedures specified by Pretrial Services, and comply with all conditions and requirements of the "Home Confinement Program."
- ( ) (i) Curfew. You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by Pretrial Services or supervising officer.
- ( ) (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits, court appearances; court-ordered obligations; or other activities as pre-approved by Pretrial Services or supervising officer.
- ( ) (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by Pretrial Services or supervising officer.
- ( ) (w) The following person(s) sign as surety on the Appearance Bond: \_\_\_\_\_
- ( ) (x) \_\_\_\_\_
- ( ) (y) \_\_\_\_\_
- ( ) (z) \_\_\_\_\_
- ( ) (aa) \_\_\_\_\_
- ( ) (bb) \_\_\_\_\_

- (8) IT IS FURTHER ORDERED that the defendant/material witness shall be responsible for any costs of participation in court-ordered programs based on his/her ability to pay as determined by Pretrial Services, and make timely payment if required by any "Order Directing Payment of Attorney's Fees".
- (9) IT IS FURTHER ORDERED that if the Court has ordered herein any testing, such as substance testing, or monitoring, such as electronic monitoring, the defendant/material witness shall refrain from obstructing or attempting to obstruct or tamper in any fashion with the efficiency and accuracy of such testing and devices.

### Advice of Penalties and Sanctions

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a victim, witness, or informant; or to intimidate or attempt to intimidate a victim, witness, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

#### DEFENDANTS:

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of 15 years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than 15 years or more you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

#### MATERIAL WITNESSES:

If after release, you knowingly fail to appear as required by the conditions of release, you may be prosecuted for failing to appear and may be fined not more than \$100,000 and imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

### Acknowledgment of Defendant/Material Witness

I acknowledge that I am the defendant/material witness in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the sanctions and penalties set forth above.

AGREED, IF APPLICABLE

Assistant U.S. Attorney

Attorney for Defendant/Material Witness

Larisa Felicia de la Serna  
Signature of Defendant/Material Witness

c/o Hattaway House  
Address

San Antonio, TX  
on Friday, Feb. 27, 2004  
City and State

Telephone

Social Security Number

Date of Birth

### Directions to United States Marshal

- ( ) The defendant/material witness is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant/material witness in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant/material witness shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 2-26-04

AMM Stein MM  
United States Magistrate Judge